

EXHIBIT 19

AGGREEMENT

WHEREAS, Boarhead Corporation is a Pennsylvania corporation with a principal place of business in Bridgeton Township, Bucks County, Pennsylvania and is owner of said tract of land,

and

WHEREAS, Manfred DeRwal is President of Boarhead Corporation and himself conducts the daily activities on the site and,

WHEREAS, hazardous industrial waste materials have been stored on the site and have caused pollution to the waters of the Commonwealth in violation of the Clean Streams Law and,

WHEREAS, Department of Environmental Resources has determined that all industrial wastes must be removed from the site, and

WHEREAS, Department of Environmental Resources has determined that all degraded soil must be removed from the site and that the treatment of the soil by lime is not a satisfactory alternative to soil removal, and

WHEREAS, solid waste material has been buried on the site in violation of the Solid Waste Management Act, and

WHEREAS, Department of Environmental Resources has determined that all solid waste materials must be removed

(01 000 481)

EX-1047230

(P-21)

ORIGINAL  
(Reg)

from the site, and

WHEREAS, an administrative conference was held on March 13, 1973, in the Department of Environmental Resources' office with Mr. Manfred DeRewal and representatives of the Department,

IT IS HEREBY AGREED by and between both parties that, Manfred DeRewal, individually and as President of Boardhead Corporation agrees:

I. To comply with the following pollution abatement schedule:

1. By March 23, 1973 removal of all hazardous industrial waste materials from the site.
2. By March 27, 1973, removal of the solid waste material, including the oil drums, from the present burial site on the property. If disposal of the solid waste is to be made within the Commonwealth, the disposal shall be to an approved Pennsylvania landfill.
3. By March 27, 1973, removal of all soil degraded from the spillage of industrial wastes. If disposal of the soil is to be made within the Commonwealth, the disposal shall be to an approved Pennsylvania landfill. The degraded soil in the area of the former impoundment shall be included in that soil which shall be

## INVOICE

No. 1401

DeRewal Chemical Co., Inc.

P.O. BOX 68

REVERE, LUCAS COUNTY, PENNSYLVANIA 16753

Advanced Environmental Tech.  
97 W. Hanover Ave.  
Randolph, New Jersey 07801

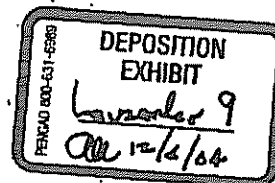
INVOICE DATE	
3/31/77	
OUR ORDER NO.	
YOUR ORDER NO.	
TERMS	P.D.
net 10	
BALANCE	
CREDITED VIA	

DEBIT TO

P.D. OR C.D.

QUANTITY	DESCRIPTION	PRICE	AMOUNT
1	5,000 gal loads waste water	\$ .07/gal.	\$ 385.00
2	2,800 gal loads acid removed per Ashland	\$ .35/gal	1960.00
1	3,000 gal load acid removed per Ashland	\$ .35/gal	1050.00
2	2,900 gal loads removed per Diaz	\$ .39/gal	2320.00
			\$5715.00

FORM 1400, REGENT FORMS, PENNSYLVANIA, IN 2 68103



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**EXHIBIT 20**

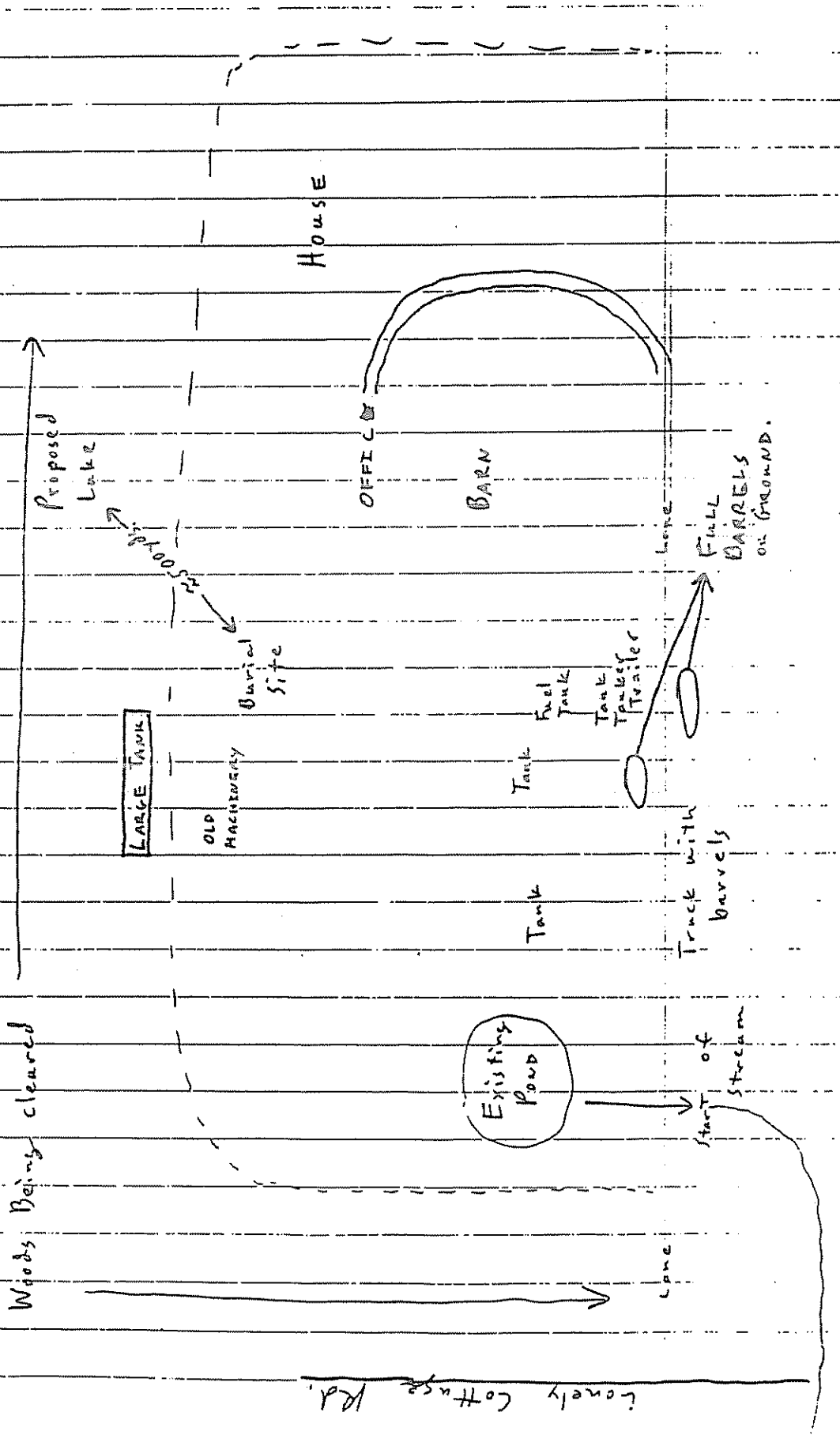
NOTE: SEE COPY 2  
REFUSE SIGNINGBUREAU OF WATER QUALITY MANAGEMENT  
WASTE DISCHARGE INSPECTION REPORT

TIME 1100-1200

ESTABLISHMENT <b>Boarhead Corp.</b>		CASE <b>Boarhead Corp.</b>		LOCATION (STREET/STATE/ROUTE) <b>Lonely Cottage Rd.</b>		COUNTY <b>Bucks</b>		MUNICIPALITY <b>Budgeton Twp</b>		PROGRAM <b>I. W.</b>													
OPERATOR NAME		VALID CERTIFICATE POSTED YES <input type="checkbox"/> NO <input type="checkbox"/>		TELEPHONE NO.		INDUSTRIAL PRODUCT 1. 2.		POP SERVED		ACRES UNDER PERMIT													
RESPONSIBLE OFFICIAL <b>Manfred DeRosa</b>		ADDRESS <b>Box 58, Revere, Pa.</b>		TELEPHONE NO. <b>982-5477</b>		REMARKS																	
PERSON INTERVIEWED <b>II</b>		ADDRESS <b>II</b>		TELEPHONE NO. <b>II</b>		<p>Present on the property along entrance road is parked an open trailer with barrels above. Numerous <sup>unused</sup> barrels are to be buried. Approx. four empty large tanks along driveway - scheduled to be removed when house, pasture completed. Couple empty rubber-lined tanks well off the road, waiting to be sold. Joint inspection this date with Pete Holl, EPS, BCHD. Future plans at Boarhead are for a horse farm and residential development.</p>																	
TREATMENT PROCESS		NUMBER OF UNITS TOT IN OP		VIOLATIONS																			
				LAWS, REGULATIONS OR PERMIT NO. & COND.																			
LOCATION OF DISCHARGE		W. A. W. QUALITY REPORT NUMBER		pH		CHLOR RES		COLOR		ODOR		TEMP		D.O.		SPEC COND		AVG DAILY FLOW (MGD)		RECEIVING STREAM APPEARANCE			
A NO																				NAME			
B Samples																				ABOVE			
C Collected																				DIS APP			
D																				BELOW			
																				DIS APP			
IDENTIFICATION		FAC NO. 1		FAC NO. 2		FAC NO. 3		FAC NO. 4		DATE OF INSPECTION		INSPECTING AGENCY											
1 C		CO		MUN		I		EST		CASE													
2 A		4.5		6.8		9		10.11		12.13		14.16		14.16		14.16		14.16		17.22		23.25	
3 X		09.9.11.6		50.2.01		0110		0119		0211473		BCH											
FACILITY NAME		SEQ. NO.		DATE ORIGINAL NOTICE SENT		LATEST ACTION		DATE OF ACTION		DISCHARGE VOL ( )		COMPLIANCE		PERMIT COMP		OPER STAT		PERSON INTERVIEWED (SIGNATURE)					
		33-34		35-40		41-42		43-48		49-52		66 67 68 69		70		71-72		TITLE AND DATE					
1 Chemical Storage																		Barry Pasamore					
2 Runoff																		TITLE AND DATE					
3																		EPS 2/14/73					
4																							

REGIONAL OFFICE

Quad. NO, 06 23 3



NOTE: SEE COPY 2  
FOR SIGNINGDEPARTMENT OF ENVIRONMENTAL RESOURCES  
BUREAU OF WATER QUALITY MANAGEMENT  
WASTE DISCHARGE INSPECTION REPORT

TIME 11:15 AM - 1:15 PM

FACILITY NAME <b>Beachhead Corp.</b>		CASE NO.		LOCATION (STREET/STATE ROUTE) <b>Lynch Cottage Rd.</b>		COUNTY <b>Bucks</b>		MUNICIPALITY <b>Bridgeton Twp.</b>		PROGRAM <b>1W</b>															
VALID CERTIFICATE POSTED YES <input type="checkbox"/> NO <input type="checkbox"/>		TELEPHONE NO. <b>982-5477</b>		INDUSTRIAL PRODUCT 1. 2. POP SERVED		ACRES UNDER PERMIT		ACRES ALREADY MINED		REMARKS															
FACILITY OFFICIAL <b>Manfred DeRowal</b>		ADDRESS <b>Box 58, Revere, Pa.</b>		TELEPHONE NO. <b>982-5477</b>		<b>Joint inspection of site with Representatives of Solid Waste Division.</b> <b>Chemicals on property improperly stored. Liquid and solid wastes spilled on ground. Runoff from several locations carrying wastes reaching waters of Commonwealth. Pools of waste on ground surface.</b>																			
FACILITY INTERVIEWED <b>Manfred DeRowal</b>		ADDRESS <b>11</b>		TELEPHONE NO.																					
TREATMENT PROCESS <b>Solid Waste</b>		NUMBER OF UNITS TOT IN OP		VIOLATIONS <b>Discharge of Industrial Wastes without a permit.</b>																					
<b>Division with</b>				<b>Improper Storage of Chemicals such that runoff carries wastes</b>																					
<b>Take Action on Violations of Solid Wastes Management Act.</b>				<b>Clean Streams Law &amp; Regulations</b>																					
LOCATION OF DISCHARGE <b>along 55gal drum</b>		W & W QUALITY REPORT NUMBER <b>687316</b>		PH		CHLOR RES		COLOR <b>Blue</b>		ODOR <b>STRONG</b>		TEMP		D.O.		SPEC COND		AVG DAILY FLOW (MGD)		RECEIVING STREAM APPEARANCE					
<b>with pool along access road.</b>		<b>687317</b>						<b>Yellow</b>		<b>CHEMICAL</b>										NAME <b>Unnamed T-13.70</b>		ABOVE DIS APP		BELOW DIS APP	
<b>"lagoon" below runoff</b>		<b>687318</b>						<b>Green</b>		<b>11</b>										<b>Delaware River</b>		<b>Water</b>		<b>Discol</b>	
<b>runoff from water</b>		<b>687319</b>						<b>Yellow</b>		<b>11</b>										<b>Poor</b>					
IDENTIFICATION		FAC NO. 1		FAC NO. 2		FAC NO. 3		FAC NO. 4		DATE OF INSPECTION <b>17-22</b>		INSPECTING AGENCY <b>BCH</b>		PERSON INTERVIEWED (SIGNATURE) <b>Manfred DeRowal</b>											
CO MUN I FSI CASE		14-16		14-16		14-16		14-16		<b>09/9/16 502011</b>		<b>01/10 01/19</b>		<b>01/30 05/73</b>		<b>23-25</b>		TITLE AND DATE <b>Barry Bernier</b>							
FACILITY NAME <b>Chemical Storage</b>		SEQ. NO. <b>33-34</b>		DATE ORIGINAL NOTICE SENT <b>35-40</b>		LATEST ACTION <b>41-42</b>		DATE OF ACTION <b>43-48</b>		DISCHARGE VOL. 1 <b>49-52</b>		COMPLIANCE FFD INI FAC OP <b>66 67 68 69</b>		PERMIT COMP <b>70</b>		OPER STAT <b>71-72</b>		INVESTIGATOR (SIGNATURE) <b>Chief San. Eng. 3/5/73</b>							



removed from the site. Before the impoundment is backfilled the Department of Environmental Resources will be furnished a chemical analysis of the remaining soil to determine whether or not any further removal of soil will be necessary.

II. There will be no further storage of hazardous industrial waste on the site nor any further landfill operations on the site, without the prior permission of the Department to do so. Furthermore, no trucks loaded with industrial waste shall be parked or stored on the subject property without the prior permission of the Department to do so. Application(s) for permission of the Department will be supported with the appropriate permit application and accompanied by an acceptable Pollution Incident Prevention Program ("PIPP") proposal.

III. The Department or its authorized agents will be given full access to said property for the purpose of making inspections thereon.

IV. A donation of One Hundred Dollars (\$100.00) per day to the Clean Streams Fund of the Commonwealth of Pennsylvania will be made for each day of non-compliance with above

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provisions unless such non-compliance is excused as per following paragraph.

It is further agreed between the Department of Environmental Resources and Manfred DeRwal, individually and as President of Boarhead Corporation, that if compliance with any of the above dates is delayed at any time by any act of neglect of the Department of Environmental Resources, strike, labor disputes, fire, delays in transportation or vendor delivery, unavoidable casualty, extraordinary weather conditions, or any other causes beyond the control of Manfred DeRwal, individually and as President of Boarhead Corporation, which can be established that by exercising diligence Manfred DeRwal, individually and as President of Boarhead Corporation was unable to prevent, the times of completion and compliance shall be extended for such a period of time as compliance with the terms of this agreement has been reasonably delayed by such event. Such extensions shall be given only if a written report is submitted which shall include written evidence and proof of the reason for the noncompliance to the Department of Environmental Resources within five (5) days of the knowledge of the occurrence of any of the foregoing events.

IV. The Department of Environmental Resources reserves all rights to enforce this Agreement and prosecute

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any violations of the Clean Streams Law and/or Solid Waste Management Act existing prior to or subsequent to the date of this Agreement.

V. This Agreement shall bind all parties, their successors and assigns.

DEPARTMENT OF ENVIRONMENTAL RESOURCES,  
by its Agent, Bucks County Department  
of Health

DATE 3/21/73

BY: Albert W. Wilk

BOARHEAD CORPORATION, by its President,  
Manfred DeRwal

DATE 3-21-73

BY: Manfred DeRwal

MANFRED DEREWAL, individually

DATE 3-21-73

BY: Manfred DeRwal

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# County of Bucks

## Department of Health

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### COUNTY COMMISSIONERS

JOSEPH F. CATANIA  
Chairman

JOSEPH TRACY

DENVER LINDLEY, JR.

### Field Offices

410 Bath Road  
Bristol, Pennsylvania 19007  
788-0491

Neshaminy Manor Center  
Doylestown, Pennsylvania 18901  
343-2800

143 South 11th Street  
Quakertown, Pennsylvania 18951  
536-6500

Administrative Offices  
Neshaminy Manor Center  
Doylestown, Pennsylvania 18901  
343-2800

Edmund K. Lindemuth, M.D., M.P.H.  
Director

January 8, 1974

### MEMORANDUM

TO: Denver Lindley, Jr.  
Commissioner

FROM: Albert W. Wills, P.E., Chief  
Division of Sanitary Engineering

SUBJECT: Stream Pollution Status Report  
Boarhead Corporation  
Bridgeton Township, Bucks County

In accordance with your request, the following is a report concerning the status of an industrial waste pollution incident at the Boarhead Corporation located along Lonely Cottage Drive, in Bridgeton Township, Bucks County.

### BACKGROUND

On October 31, 1973, this Department received a report from a resident of Bridgeton Township that a creek which flows through his property was severely discolored and foaming. An Environmental Protection Specialist with this Division was immediately dispatched to the site to determine the cause of the reported polluted stream condition. Our inspector found that the cause of the polluted condition of the creek was an industrial waste discharge from the Boarhead Corporation property.

Detailed inspection of the Boarhead Corporation property on that day (October 31, 1973) revealed that about 4000 gallons of an acid type industrial waste had been discharged from a tank truck into a swamp on the Boarhead Corporation property. The swamp slowly drains off into an unnamed tributary to the Delaware River. This tributary flows through the County's Ringing Rocks Park. The president of the Boarhead Corporation, Mr. Manfred De Rewal,

Denver Lindley, Jr.

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January 8, 1974

told us that the incident was the result of a tank truck driver accidentally spilling the truck contents into the swamp during a truck maintenance operation on the site.

It should be mentioned that the Boarhead Corporation has purported in the past to be involved only in real estate investment and raising and breeding of horses. The president of the Boarhead Corporation, however, is the same man who was in charge of the now defunct Revere Chemical Corporation located in Nockamixon Township, Bucks County. The Revere Chemical Corporation was shut down about three years ago due to industrial waste pollution and cleaned up at a State expense of approximately 400,000 dollars.

#### ENFORCEMENT AND ABATEMENT ACTION

Upon determining the nature and extent of the pollution incident, this Department on October 31st, immediately notified the Department of Environmental Resources of the situation and requested stringent enforcement action. On November 2, 1973, the Department of Environmental Resources issued an order to the Boarhead Corporation and its president to immediately prevent injury to property and downstream users of the tributary and take all necessary steps to neutralize the polluting substances present on the property. The order also required that by November 9, 1973 that the residual waste be removed from the site. The order was not complied with. A copy of the order is attached for your reference.

The order was appealed by the Boarhead Corporation to the Environmental Hearing Board. The Environmental Hearing Board has not yet rendered a decision on the appeal, however the State Strike Force Attorney who is handling this case expects a ruling within the next few weeks. Assuming the appeal is denied by the Environmental Hearing Board, the Strike Force Attorney indicates that he will file for an injunction in the Bucks County Court of Common Pleas to enforce the order. Should the order not be complied with, a contempt petition will then be filed. Punitive action on the violation may also be taken under other remedies provided in the Clean Streams Law.

It is also my understanding that the Bridgeton Township Solicitor plans to enter into this case in a supportive role with the Department of Environmental Resources. We have assured the Township Solicitor that all of our records will be available for his review and we have given him complete cooperation.

The role of the Bucks County Department of Health in this case is to obtain the technical data to successfully prove pollution and violations of the Clean Streams Law when a hearing is held. To that end, we have conducted since October 31, 1973, ten (10) inspections of the site during which field chemical determinations were made and samples collected and analyzed by State Laboratory in Harrisburg. We have ample technical evidence to show

Denver Lindley, Jr.

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January 8, 1974

pollution and violations. The Department is also monitoring any progress that the Boarhead Corporation has made in cleaning up the problem and recommending abatement measures. Furthermore, our Division has provided technical input at two Department of Environmental Resources' conferences with the Company Officials in regard to short-term and long-term clean-up measures.

With regard to positive action taken by the Company to abate the pollution, the only steps taken to date were the construction of swales to divert further surface water from entering the swamp, the partial neutralization of the acid wastes by spreading large quantities of lime throughout the affected area and the submission of chemical analyses on the soils and the runoff to the tributary.

In conclusion, the Boarhead Corporation has not complied with the abatement order issued November 2, 1973, by the Department of Environmental Resources. The enforcement people at the Department of Environmental Resources are continually kept up-to-date by this Department and assure us that they are moving as quickly as they can with legal enforcement action. This Department will continue to give this case a high inspection priority until complete compliance is obtained.

AWW/nk  
enclosure

cc: Commissioner Joseph Tracy  
Commissioner Joseph Catania